



CITY OF DULUTH

Planning Division

411 W 1st St, Rm 208 * Duluth, Minnesota 55802-1197

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STAFF REPORT

File Number	PL 13-083	Contact	Jenn Reed Moses, jmoses@duluthmn.gov
Application Type	Variance from Front Yard Setback	Planning Commission Date	July 9, 2013
Deadline for Action	Application Date	June 4, 2013	60 Days August 3, 2013
	Date Extension Letter Mailed	June 12, 2013	120 Days October 2, 2013
Location of Subject	731 E 13th St		
Applicant	Stuart Walker	Contact	(218) 251-5536
Agent		Contact	
Legal Description	PID 010-0470-00250		
Site Visit Date	June 28, 2013	Sign Notice Date	June 24, 2013
Neighbor Letter Date	June 17, 2013	Number of Letters Sent	63

Proposal

Variance to construct a front deck and rear porch. The corner side yard setback is 15 feet. The proposed deck will be 6'10" from the property line, the porch will be 9' from the property line, and the stairs will be 27.5" from the northeast property line.

According to the applicant, the variance will not infringe on the neighbor's property because his lot is on the corner, and the closest house is on the opposite side of 8th Avenue East, which is the side of the setback in question.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-1	Residential	Traditional Neighborhood
North	R-1	Residential	Traditional Neighborhood
South	R-1	Residential	Traditional Neighborhood
East	R-1	Residential	Traditional Neighborhood
West	R-1	Residential	Traditional Neighborhood

Summary of Code Requirements (reference section with a brief description):

Sec. 50-14.5 - Residential-Traditional District. Corner Lot: width of corner side yard of a dwelling is 15 feet.

Sec. 50-37.9. B - Variances. Procedures. "The Planning Commission shall ... make a decision on the application based on the criteria in subsections 50-37.9.C through M

Sec. 50-37.9.C. - General Variance Criteria. See UDC pages 5-29 through 5-33 (paraphrased here):

Granting of variances of any kind is limited to situations where, due to characteristics of the applicant's property, enforcement of the ordinance would cause the landowner exceptional practical difficulties or undue hardship. The Planning Commission must find the following for a variance to be granted: a) That they are proposing to use the property in a reasonable manner, b) that the need for relief from the normal regulations is due to circumstances unique to the property and not caused by the landowner, c) that granting the variance will not alter the essential character of the area, d) that granting the variance is consistent with the intent of the UDC and the Comprehensive Plan.

Comprehensive Plan Findings (Governing Principle and/or Policies) and Current History (if applicable):

Future Land Use - Traditional Neighborhood: Characterized by grid or connected street pattern, houses oriented with shorter dimension to the street and detached garages, some with alleys.

Discussion (use numbered or bullet points; summarize and attach department, agency and citizen comments):

Staff finds that:

- 1) The applicant is proposing to build a front deck and rear covered porch. The deck will measure 10'0" x 17'4", and the porch will measure 6' x 12'. Adding a deck and porch to a residential property is a reasonable use of the property.
- 2) Existing house is within the corner side yard setback and is a legal non-conforming structure (built in 1914 prior to the zoning code). Conditions on the property were not created by the applicant.
- 3) Both the door to the front and rear of the house are in the 15' setback. This creates practical difficulty; the owner will need a variance in order to provide access to the house.
- 4) When requesting a front, rear, or side yard setback, the Planning Commission may require additional landscaping and buffering. Based on the character of the use and the neighborhood, additional landscaping would likely not be necessary or impactful.
- 5) If this variance were granted, it would not impair an adequate supply of light and air to adjacent properties, and will not substantially impair the intent of the UDC.
- 6) No public, city, or agency comments were received.
- 7) Per UDC Sec. 50-37.1.N, approved variances lapse if the project or activity authorized by the permit or variance is not begun within 1 year of the permit date.

Staff Recommendation (include Planning Commission findings, i.e., recommend to approve):

Based on the above findings, Staff finds that the standard for variance has been met and, therefore, recommends the Planning Commission approve the requested variance, subject to the following conditions:

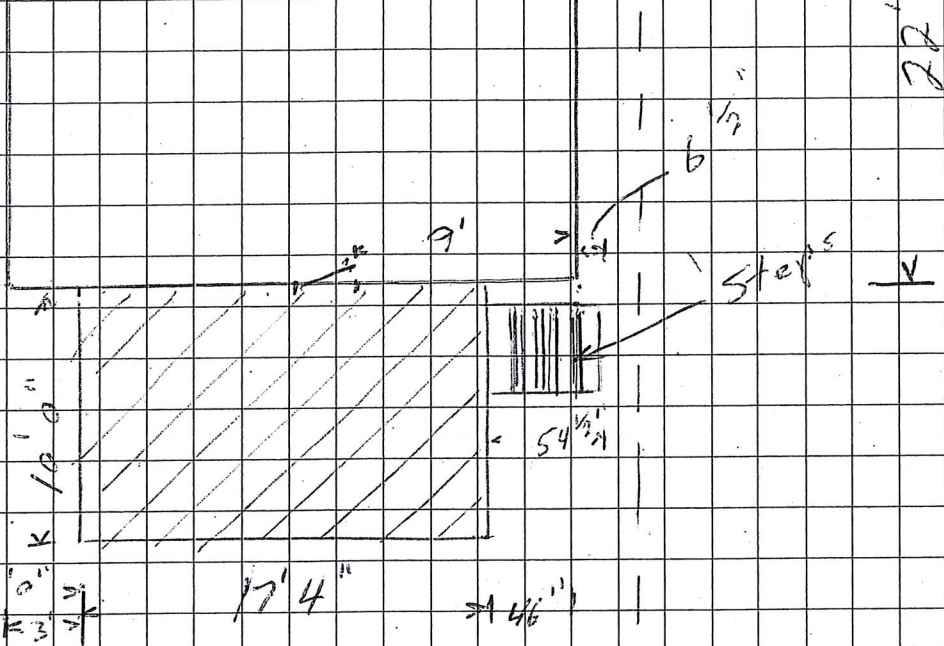
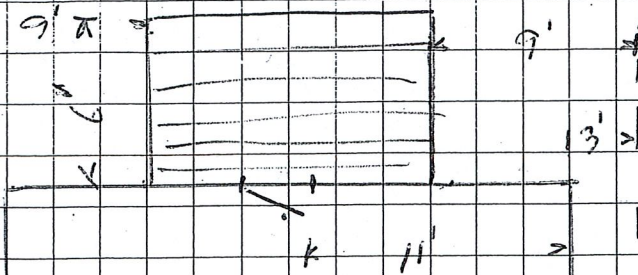
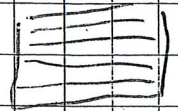
- 1) The project be limited to, constructed, and maintained according to the site plan dated June 4, 2013.
- 2) The stairway will not extend any closer to the property line than the existing house (6.5').
- 3) Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission approval; however, no such administrative approval shall constitute a variance from the provisions of Chapter 50.

Attachments (aerial photo with zoning; future land use map; site plan; copies of correspondence)

The City of Duluth has tried to ensure that the information contained in this map or electronic document is accurate. The City of Duluth makes no warranty or guarantee concerning the accuracy or reliability. This drawing/data is neither a legally recorded map nor a survey and is not intended to be used as one. The drawing/data is a compilation of records, information and data located in various City, County and State offices and other sources affecting the area shown and is to be used for reference purposes only. The City of Duluth shall not be liable for errors contained within this data provided or for any damages in connection with the use of this information contained within.

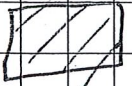
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Back Porch



East Ave

proposed deck



North Arrow Required

13th St

SITE PLAN

Do Not Use Pencil

Site Address: 731 E 13th St.

Owner's Name: Stuart Walker

This Site Plan is an accurate and complete representation of the footprint(s) of all existing and proposed structure(s) and their location(s) on the subject property.

Applicant's Signature:

Plat / Parcel No. Chambers Div
Duluth Lot 0022
Block 001

Grid is 4 squares per inch

Scale: 1" = 8 Feet

Date:

731 E 13th St

Site Photos

